

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

BRIANA WRIGHT, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SOUTHERN NEW HAMPSHIRE
UNIVERSITY,

Defendant.

Case No. 1:20-cv-00609-LM

Hon. Landya McCafferty

DECLARATION OF JENNIFER M. KEOUGH REGARDING NOTICE

ADMINISTRATION

I, JENNIFER M. KEOUGH, declare and state as follows:

1. I am the Chief Executive Officer of JND Legal Administration LLC (“JND”). JND is a legal administration services provider with its headquarters located in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.

2. JND is serving as the Settlement Administrator¹ in the above-captioned litigation (“Action”) for the purposes of administering the Class Action Settlement Agreement (“Settlement Agreement”) preliminarily approved by the Court in its Order Granting Plaintiff’s Assented to Motion for Preliminary Approval of Class Action Settlement (“Order”), dated on April 26, 2021.

3. This Declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees, and if called upon to do so, I could and would testify competently thereto.

¹ Capitalized terms used and otherwise not defined in this Declaration shall have the meanings given such terms in the Settlement Agreement.

CAFA NOTICE

4. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, JND compiled a CD-ROM containing the following documents:

- a. Class Action Complaint and Demand for Jury Trial, filed on May 19, 2020;
- b. First Amended Class Action Complaint and Demand for Jury Trial, filed on August 14, 2020;
- c. Plaintiff’s Assented to Motion for Preliminary Approval of Class Action Settlement, filed on March 3, 2021;
- d. Class Action Settlement Agreement, filed on March 3, 2021;
- e. [Proposed] E-mail Notice, filed on March 3, 2021;
- f. [Proposed] Postcard Notice, filed on March 3, 2021;
- g. [Proposed] Long Form Notice, filed on March 3, 2021; and
- h. [Proposed] Order Granting Preliminary Approval of Class Action Settlement Agreement, Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan, filed on March 3, 2021.

5. The CD-ROM was mailed on March 12, 2021, to the appropriate Federal and State officials identified in the attachment with an accompanying cover letter, a copy of which is attached hereto as **Exhibit A**.

CLASS MEMBER DATA

6. On May 12, 2021, counsel for the Defendant produced to JND an electronic list from Defendant’s records that Defendant’s counsel represented as including all of the names, email addresses, and last known U.S. Mail addresses belonging to individuals within the Settlement Class, pursuant to Section 4.1(a) of the Settlement Agreement. The spreadsheet provided to JND by the Defendant contained contact information and other identifying data for a total of 3,067 records.

7. Prior to mailing notices, JND analyzed the raw data to remove duplicate records. JND did not identify any duplicate records, resulting in 3,067 unique Class Member records. JND updated the Class Member contact information using data from the National Change of Address (“NCOA”) database.² The Class Member data was promptly loaded into a database established for this Action.

E-MAIL AND POSTCARD NOTICE

8. Pursuant to the Settlement Agreement, on May 17, 2021, JND sent the customized, Court-approved E-mail Notice via e-mail from an established case inbox (info@SNHUSpring2020Settlement.com) to the 3,067 unique Class Members. A representative sample of the E-mail Notice is attached hereto as **Exhibit B**.

9. As of the date of this declaration, JND tracked 81 E-mail Notices that were returned to JND as undeliverable. JND promptly mailed the Court-approved Postcard Notice to the 81 class members with a failed E-mail Notice. A representative sample of the Postcard Notice is attached hereto as **Exhibit C**.

10. As of the date of this Declaration, 3,067 Class were emailed or mailed a Notice which was not returned as undeliverable, representing 100% of total Class Members from the data.

SETTLEMENT WEBSITE

11. On May 6, 2021, JND established a Settlement Website (www.SNHUSpring2020Settlement.com), which hosts copies of important case documents, including, but not limited to, the Settlement Agreement, the Notice forms, Fee Petition, and other court filings, answers to frequently asked questions, and Settlement Administrator contact information for telephone, mail, or e-mail contact. The website also allowed Class Members to submit an Election Form or Exclusion Form electronically.

12. On June 17, 2021 – the same day it was filed – JND uploaded the Fee Petition to

² The NCOA database is the official United States Postal Service (“USPS”) technology product which makes changes of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream.

the Settlement Website.

13. As of the date of this Declaration, the Settlement Website has tracked 2,815 unique users who registered 6,593 page views.

TOLL-FREE INFORMATIONAL LINE

14. On May 6, 2021, JND established a case-specific toll-free telephone number (1-833-358-1849) for Class Members to call to obtain information about the Settlement. The toll-free number is accessible 24 hours a day, 7 days a week.

15. As of the date of this declaration, the toll-free number has received 17 calls.

REQUESTS FOR EXCLUSION

16. The Email and Postcard Notice informed Class Members who wanted to exclude themselves from the Settlement (“opt-out”) that they must do so by submitting an exclusion request electronically on the Settlement website or by mailing an exclusion letter to the Settlement Administrator, postmarked on or before June 3, 2021.

17. As of the date of this Declaration, JND has received zero (0) exclusion requests.

OBJECTIONS

18. The Email and Postcard Notice informed recipients that any Class Members who would like to object to the proposed Settlement may do so by filing a written objection with the Court (and mailing timely postmarked copies of the written objection to Class Counsel and Defendant’s Counsel) by July 15, 2021.

19. As of the date of this Declaration, JND has not received, and is not aware of, any objections submitted by Class Members.

ELECTION FORMS RECEIVED

20. The Class Notice informed recipients that while Class Members do not need to do anything to receive a payment, those wishing to elect the method in which they receive a payment must file an Election Form and submit it to JND electronically on or before July 29, 2021.

21. Because the time period for Class Members to file an Election Form is still open,

JND is still receiving forms electronically. The final list of elections received will not be known until after the deadline on July 29, 2021.

22. As of the date of this Declaration, JND has received 183 Election Form submissions. JND is in the process of receiving, reviewing, and validating Election Form submissions.

I declare under the penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed on June 29, 2021 at Seattle, Washington.



JENNIFER M. KEOUGH